

TESTIMONY OF  
JON M. CAPACASA  
DIRECTOR, WATER PROTECTION DIVISION  
ENVIRONMENTAL PROTECTION AGENCY, REGION 3  
BEFORE THE  
FEDERAL WORKFORCE,  
POSTAL SERVICE AND THE DISTRICT OF COLUMBIA  
SUBCOMMITTEE OF THE  
HOUSE OVERSIGHT AND GOVERNMENT REFORM COMMITTEE  
April 15, 2008

Thank you Chairman Davis and members of the Subcommittee for this opportunity to update you on EPA activities related to the operations of the DC Water and Sewer Authority (DCWASA). I am Jon M. Capacasa, Director of the Water Protection Division for EPA's Mid Atlantic Region 3 and I am pleased to be here on behalf of EPA to help address this important subject.

EPA Region 3's role in relation to DCWASA is to serve as the Clean Water Act permitting and enforcement Agency for DC and as the primary enforcement agent under the federal Safe Drinking Water Act. Federal clean and safe drinking water programs in the District are not yet delegated to local officials, thus we play a direct role in their oversight and administration. In addition to our regulatory role, we administer the Clean Water and Safe Drinking Water State Revolving Act funding in DC, manage special appropriation projects for capital improvements to DC WASA facilities, and work in partnership with local utilities to protect regional water quality. We are in frequent contact with DC WASA and also work in close cooperation with the DC Department of the Environment (DDOE), as well as others in DC government and the other regional water utilities.

### **Drinking Water Quality and Compliance Status**

Regarding the quality of drinking water services in the District, DCWASA and the Washington Aqueduct report directly to EPA on the results of sampling and analysis and these results are audited periodically. Based on this information, EPA can report that the drinking water serving the District of Columbia meets all federal health based standards and the system is in compliance with all National Primary Drinking Water Regulations. A requirement of EPA's regulations is that utilities notify their consumers annually through a Consumer Confidence Report (CCR) about the quality of water served and its compliance status for regulated parameters. The last CCR report submitted to EPA and the public by DCWASA was issued in June 2007 and has been provided to the Committee.

The DCWASA reports that the DC water system has been at or below the Action levels for lead and copper under the Lead and Copper Regulation (LCR) for 3 consecutive years since the report covering the January-June 2005 monitoring period. The latest report submitted to EPA by DCWASA states that the 90<sup>th</sup> percentile of over 100 samples taken was a 10 ppb level, below the action level of 15 ppb or greater. This follows a period earlier in the decade where changes to treatment of drinking water triggered an unusual increase in corrosivity of the water and tap water

lead levels exceeding the Action level. DCWASA has been in substantial compliance with the requirements of enforcement actions issued by EPA related to the exceedance of the Action level. The DC water system is now meeting the requirements of the LCR such that additional lead service line replacements are no longer required in accordance with the federal regulations.

This summer, EPA will conduct its triennial inspection of the water distribution system of the District. We will also continue to coordinate research on planned and potential water treatment changes at the Washington Aqueduct with a focus on simultaneous compliance – making sure changes for one regulation do not impact compliance with another rule.

### **Wastewater Controls for Nutrient Pollution**

On the wastewater regulatory front, EPA issues and ensures compliance with Clean Water Act (NPDES) permits in the District. Such permits are issued to DC WASA for operation of the Blue Plains Advanced Waste Treatment facility and for the control of combined sewer overflows into local rivers. In addition, in a separate portion of the District, EPA also issues a Storm Water permit to the District of Columbia government for proper operation of the municipal storm sewer system and control of pollutants in line with federal technology and water quality based limits. This permit is administered by the DDOE.

In April 2007, EPA issued an amended Clean Water Act permit to DC WASA to incorporate new limits for nutrient reduction to the Potomac River and Chesapeake Bay. Blue Plains is the largest point source of nutrients in the Chesapeake Bay watershed. WASA has already achieved the 2010 Chesapeake Bay Program load cap for phosphorus reduction. The new total nitrogen limit of no more than 4.6 million pounds annually will require a substantial upgrade to the Blue Plains facilities.

In 2007, WASA developed a Total Nitrogen/Wet Weather Plan for the Blue Plains facility to meet the new nitrogen limit. WASA has presented this plan to EPA and EPA has provided comment. The submitted plan involves major modifications to the Blue Plains facility and to the previously developed Wet Weather Plan designed for control of CSOs. The submitted plan promises to not only meet the new nitrogen limits, but also will further reduce CSO overflows into the Anacostia. Given the complexity and extent of this major capital project, EPA and DCWASA agreed on a 7-year compliance schedule, until July 2014, for project completion. During the summer of 2007, WASA public noticed this plan and its schedule for completion. EPA intends to reissue the WASA Blue Plains Permit with a compliance schedule during this year. This permit will be submitted for public review and comment prior to finalization. WASA has stated that it will continue to implement this Plan while the permit is being updated to incorporate the compliance milestones.

### **Enforceable Schedule for the Control of Combined Sewer Overflows**

To ensure the protection of the Anacostia River, Rock Creek and the Potomac River from the effects of discharges from the combined sewer system, EPA initiated federal enforcement action earlier in this decade against WASA which resulted in a 2004 federal consent decree. This decree provides WASA with a long-term enforceable compliance schedule for the completion of controls in conformance with the National CSO Policy and the Clean Water Act. We are pleased to

note that later this year WASA is on schedule to achieve a 40% reduction in CSO overflows to the tidal Anacostia River. When the Plan is fully implemented, overflows to the Anacostia River are expected to be reduced by 98% in an average rainfall year.

Under the Clean Water Act, EPA or the states are required to develop Total Maximum Daily Loads (TMDL's), or pollution budgets if you will, for those pollutants that are impairing waters of the United States. TMDLs have been developed for many waters in the District including the Anacostia and Potomac Rivers. In these TMDL's, loadings are allocated to both point and non-point sources of pollution such that, when those loadings are achieved, the applicable water quality standards will be met. For a point source, including the Blue Plains facility, its permit effluent limit is required by regulation to be "consistent with the assumptions and requirements" of that point source's load allocation in the TMDL. EPA has completed or approved over 15 TMDLs for the interstate Anacostia River, as well as a Potomac River PCB TMDL and others.

EPA will continue to carry out its duties in the administration of clean and safe drinking water programs in the District in close contact with DCWASA and local officials.

### **Federal Assistance to DCWASA**

In DC, Clean Water (CWSRF) and Drinking Water State Revolving Fund (DWSRF) programs provide annual grants to DC government. In the past 5 years in DC, Clean and Safe Drinking Water State Revolving Fund programs provided grants in the amounts of \$23 million from the CWSRF and \$39.5 million from the DWSRF. Such funds are directed to priorities by DC government using an Intended Use Plan. Typically, 100% of the available funds are directed to capital improvement projects of the DC WASA. As part of the Drinking Water State Revolving Loan Fund program, EPA is providing grant assistance for lead service line replacements. In February 2008, a special appropriations grant of \$481,000 was also approved for this purpose.

EPA also administers infrastructure projects authorized through special Congressional appropriations. In the last 6 years, this has amounted to approximately \$3.5 million dollars for various water and sewer projects

### **Interstate Partnerships for Watershed and Source Water Protection**

In addition to its primary regulatory and funding roles in DC, EPA also works through innovative partnerships in the DC area for drinking water source protection in the Potomac River basin, for water security and preparedness, and as part of the newly formed Anacostia Watershed Restoration Partnership. EPA has been a leader in the partnership efforts to restore the Anacostia River. EPA and DCWASA are members of the Potomac River Basin Drinking Water Source Protection Partnership which is an organization of Potomac Basin water suppliers, regulators and stakeholders whose goals are to reduce threats throughout the watershed that would impact the quality of drinking water served downstream.

EPA will continue to work in close cooperation with DCWASA and DC government in addressing drinking water and wastewater issues and needs. Thank you again for the opportunity to provide this update and I would be glad to answer any questions the Committee might have.